

REMARKS

Claims 14 to 26 are now pending in the present application.

It is respectfully requested that the present application be reconsidered since all of the presently pending claims are allowable.

Claims 14 to 26 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,388,896 ("Hartmann") in view of U.S. Patent No. 6,030,055 ("Schubert"). Applicants respectfully submit that the rejection should be withdrawn for at least the following reasons.

In rejecting a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a prima facie case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish prima facie obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine the reference teachings. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). The prior art must suggest combining the features in the manner contemplated by the claim. See Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 934 (Fed. Cir. 1990), cert. denied, 111 S. Ct. 296; In re Bond, 910 F.2d 831, 834 (Fed. Cir. 1990). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Second, there must be a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Claim 14 includes the feature of linking a first value of a first brake pressure in a first wheel brake cylinder allocated to a first wheel of the two wheels with a second value of a second brake pressure in a second wheel brake cylinder allocated to a second wheel of the two wheels, wherein the linking is given on the basis of **hydraulic pressure differentials dropping at respective intake valves** including a first intake valve and a second intake valve. The "Schubert" reference refers to automatic equalization of pressure difference at the valve. **Equalization of pressure** as referred to by the "Schubert" reference does not disclose the recited feature in which the linking is given on the basis of hydraulic pressure differentials dropping at respective intake valves including a first intake valve and a second intake valve, as provided for in the context of the claim.

Claim 24 recites similar features as claim 14, and is therefore allowable for essentially the same reasons as claim 14.

Claims 15 to 23 depend from claim 14, and therefore include all features of claim 14. Therefore, claims 15 to 23 are allowable for at least the same reasons as claim 14. Claims 25 and 26 depend from claim 24, and therefore include all features of claim 24. Therefore, claims 25 and 26 are allowable for at least the same reasons as claim 24.

In summary, all of pending claims 14 to 26 are allowable.

Conclusion

In view of the foregoing, it is respectfully submitted that all of the presently pending claims are allowable. It is therefore respectfully requested that the objections and rejections be withdrawn. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is respectfully requested.

Respectfully submitted,
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By: _____

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